

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JENNIFER T. MOTT,

Plaintiff,

v.

Case No. 09-CV-784

MICHAEL J. ASTRUE, Commissioner for the
Social Security Administration,

Defendant.

ORDER

On August 13, 2009, the plaintiff, Jennifer Mott ("Mott"), filed a complaint seeking judicial review of a decision that denied her disability insurance benefits. Mott now brings a motion for leave to proceed *in forma pauperis*.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to afford indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). In order for a court to authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is truly indigent and unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). In addition, the court must find that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

The plaintiff has submitted an affidavit in which she declares under penalty of perjury that she incurs \$1,483.00 in monthly expenses and has only \$728.00 of

monthly income. Based upon this information, the court determines that the plaintiff is unable to pay the costs of commencing this action.

In addition, the court also finds, upon examination of the complaint, that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. The court will, therefore, grant the plaintiff's motion for leave to proceed *in forma pauperis*.

The court reminds the plaintiff that she must serve a summons and complaint upon the defendant within 120 days after the filing of the complaint, see Fed.R.Civ.P. 4(m), or the court shall dismiss this action without prejudice.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 24th day of September, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge